

Notice of Allowability

Application No.

09/662,398

Examiner

Amee A. Shah

Applicant(s)

HARRIS, WILLIAM F.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Bd. Dec. 9/19/07, RCE filed 12/4/07 & Ex. Amdt 12/5/07.
2. ☒ The allowed claim(s) is/are 58-72 and 74-76.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

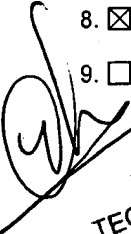
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9/24/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Title:

The title of the application has been amended as follows:

~~System and method~~ Systems for processing a product price or quotation request and placing a product order via a communications network

REASONS FOR ALLOWANCE

Claims 58-72 and 74-76 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 58

The prior art of record neither anticipates nor fairly and reasonably teaches the apparatus of claim 58 for generating an order for a product. In particular, the prior art does not anticipate nor fairly and reasonably teach a server system for generating an order for a product, comprising: a receiver component that receives, on behalf of a manufacturer, requests to order a product from a customer and for receiving financial authorization from a distributor, a request including a product code that identifies the product and a customer identification that identifies a customer, and a financial authorization comprising an acknowledgment from the distributor verifying a customer account even though the request is received by the receiver component in a manner independent of the distributor; a data storage medium storing information for a plurality of products, including a customer price associated with each of the plurality of products; an order placement component that retrieves from the data storage medium information for the identified product and that uses the retrieved information to place an order from the manufacturer of the identified product; and an order fulfillment component that completes a purchase of the product in accordance with the order placed by the order placement component including arrangement for shipping by the manufacturer and billing of the distributor.

The most remarkable prior art is Rothman, US 2002/0072984, previously cited (hereafter referred to as "Rothman"). Rothman teaches a server system for generating an order for a product, comprising: a receiver component that receives, on behalf of a manufacturer, requests to order a product from a customer and for receiving financial authorization from a distributor, a request including a product code that identifies the product and a customer identification that identifies a customer (§§0042, 0066 and 0067); a data storage medium storing information for a plurality of products, including a customer price associated with each of the plurality of products (§0071); an order placement component that retrieves from the data storage medium information for the identified product and that uses the retrieved information to place an order from the manufacturer of the identified product (§§0072-0075 §0075); and an order fulfillment component that completes a purchase of the product in accordance with the order placed by the order placement component including arrangement for shipping by the manufacturer and billing of the distributor (§0075).

However, as the Board of Appeals found in its decision of September 19, 2007, Rothman does not anticipate nor fairly and reasonably teach receiving financial authorization from a distributor, a financial authorization comprising an acknowledgment from the distributor verifying a customer account even though the request is received by the receiver component in a manner independent of the distributor.

Claims 59-69.

Claims 59-69 are dependencies of independent claim 58 and are allowable over the prior art for the reasons identified above with respect to claim 58.

Claim 70

The prior art of record neither anticipates nor fairly and reasonably teaches the apparatus of claim 70 for generating an order for a product. In particular, the prior art does not anticipate a receiver component that receives, on behalf of a manufacturer, requests to order a product from a customer, a request including a product code that identifies the product and a customer identification that identifies a customer; a data storage medium storing information for a plurality of products and storing information for a plurality of agents associated with the product, where the stored product information includes a customer price associated with the product, where the stored agent information includes at least one predetermined variable associated with each of the plurality of agents; and a commission component that determines a commission and assigns the commission to one of the plurality of agents based on at least one of the plurality of predetermined variables even though the request is received by the receiver component in a manner independent of the agents and even though the request is fulfilled in a manner independent of the agents.

One of the remarkable prior art is Rothman, US 2002/0072984, previously cited (hereafter referred to as "Rothman"). Rothman teaches a server system for generating an order for a product, comprising: a receiver component that receives, on behalf of a manufacturer, requests to order a product from a customer and for receiving financial authorization from a distributor, a request including a product code that identifies the product and a customer identification that identifies a customer (¶¶0042, 0066 and 0067); a data storage medium storing

information for a plurality of products, including a customer price associated with each of the plurality of products (§0071); and a commission component (§0045, 0080-0082).

However, as the Board of Appeals found in its decision of September 19, 2007, Rothman does not anticipate nor fairly and reasonably teach receiving financial authorization from a distributor, a financial authorization comprising an acknowledgment from the distributor verifying a customer account even though the request is received by the receiver component in a manner independent of the distributor, and a commission component that determines a commission and assigns the commission to one of the plurality of agents based on at least one of the plurality of predetermined variables even though the request is received by the receiver component in a manner independent of the agents and even though the request is fulfilled in a manner independent of the agents.

Another remarkable prior art, and cited by applicant, is Southam, US 6,594,641 B1 (hereafter referred to as "Southam"). Southam teaches a server system for generating an order for a product comprising: a receiver component that receives, on behalf of a manufacturer, requests to order a product from a customer (Fig. 2 and col. 5, lines 5-32), a request including a product code that identifies the product and a customer identification that identifies a customer (col. 4, lines 50-57); a data storage medium storing information for a plurality of products and storing information for a plurality of agents associated with the product, where the stored product information includes a customer price associated with the product, where the stored agent information includes at least one predetermined variable associated with each of the plurality of agents (col. 4, lines 63-65); and a commission component that determines a commission and

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assigns the commission to one of the plurality of agents based on at least one of the plurality of predetermined variables even though the request is received by the receiver component in a manner independent of the agents and even though the request is fulfilled in a manner independent of the agents (col. 5, lines 33-53).

However, Southam does not anticipate nor fairly and reasonably teach receiving financial authorization from a distributor, a financial authorization comprising an acknowledgment from the distributor verifying a customer account even though the request is received by the receiver component in a manner independent of the distributor.

Claims 71, 72 and 74-76

Claims 71, 72 and 74-76 are dependencies of independent claim 70 and are allowable over the prior art for the reasons identified above with respect to claim 70.

EXAMINER COMMENTS

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission, including amendments to the claims, filed on December 4, 2007, has

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been entered, and the information disclosure statement filed September 24, 2007, has been considered.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wieffering, Eric, "Middleman Surviving Challenge of Internet," Star Tribune, Minneapolis, Minn., Feb. 6, 2000, pg. 01.D, discusses how manufacturers still need middlemen even to sell directly to customers online.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

December 5, 2007


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600